

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GEORGE L. ROSAS	§	
TDCJ-CID #711998	§	
V.	§	C.A. NO. C-05-102
	§	
PATSY PEREZ, ET AL.	§	

**ORDER DENYING PLAINTIFF'S
MOTION TO AMEND COMPLAINT**

This is a civil rights action filed by a Texas state prisoner pursuant to 42 U.S.C. § 1983. Pending is plaintiff's motion to amend his complaint. (D.E. 63).

I. A Motion For Leave To Amend A Complaint.

Rule 15(a) of the Federal Rules of Civil Procedure mandates that leave to amend "be freely given when justice so requires." Determining when justice requires permission to amend rests within the discretion of the trial court. Zenith Radio Corp. v. Hazeltine Research, Inc., 401 U.S. 321, 330 (1971); Nilsen v. City of Moss Point, Miss., 621 F.2d 117, 122 (5th Cir. 1980). In exercising its discretion in considering a motion to amend a complaint, the district court may consider, among other factors, undue delay, dilatory motive on the part of the movant, and undue prejudice to the opposing party by virtue of allowing the amendment. Daves v. Payless Cashways, Inc., 661 F.2d 1022, 1024 (5th Cir. 1981).

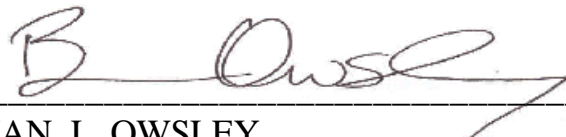
II. Analysis Of Plaintiff's Motion For Leave To Amend.

The undersigned magistrate judge issued a memorandum and

recommendation recommending that plaintiff's action against Cathy Pope Clark be dismissed. (D.E. 42). The district court adopted this recommendation. (D.E. 59). Additionally, the undersigned magistrate judge issued a memorandum and recommendation recommending that plaintiff's action against Patsy Perez be dismissed. (D.E. 51). The district court adopted this recommendation. (D.E. 57). Final judgment was rendered against Ms. Perez, (D.E. 58), and then final judgment was entered against plaintiff's entire action. (D.E. 60).

Despite the fact that final judgment has been entered, plaintiff now seeks to amend his complaint. Such a request is deemed too late. Accordingly, plaintiff's motion to amend his complaint, (D.E. 63), is DENIED.

ORDERED this 25th day of January 2006.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE